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# Closed Rewald hearing covered lot of ground

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Portions of a Ronald Rewald bail review hearing closed by a federal magistrate May 3 on grounds they dealt with "administrative matters" contained objections, a motion, a ruling and the magistrate's own explanation of his ruling, according to a transcript made public yesterday.

The transcript reveals for the first time that the federal government was ready to yield to Rewald's insistence that the name of his new employer be kept from the public.

The offer was made by an assistant U.S. attorney when it appeared that a magistrate would not otherwise reveal the name to the government.

Federal Magistrate Bert S. Tokairin conducted about one-fourth of the May 3 hearing in chambers at the side of his bench. The employer's name never was mentioned.

Tokairin finally ruled that

## No bail in smuggling case

A 27-year-old Thai woman was ordered held without bail yesterday on charges of smuggling 4.4 pounds of heroin — estimated to have a street value of \$38 million.

Federal Magistrate Bert Tokairin granted the no-bail request by the U.S. Attorney's Office for Siwalaporn Chan-

Rewald could keep his employer secret not only from the public, but from the government as well.

The full content of the hearing was revealed yesterday, when The Advertiser obtained a copy of the official transcript. The transcript is a public record which may be obtained only by paying for it, and often after waiting days or weeks for it to be processed.

Tokairin kept portions of the hearing from the public on May 3 despite objections at the time by reporters from The Advertiser and The Star-Bulletin.

The concealed portion of the hearing began when Tokairin summoned lawyers for the government and for Rewald to the bench for what is known as a

"bench conference."

Such bench conferences are sometimes used by judges to keep a jury from hearing lawyers, and the judge and attorneys discuss matters which might not be appropriate for the jury to consider.

There was no jury present during the May 3 hearing, which dealt with whether Rewald had met conditions of his bail.

A jury will be empaneled by another judge only when Rewald actually goes to trial on 100 counts of fraud, tax evasion and perjury — probably in August.

Rewald, accused of bilking millions from hundreds of investors in Bishop Baldwin Rewald Dillingham & Wong, has since obtained new employment at \$52,000 a year. The prosecution last year persuaded Federal Magistrate Joseph Gedan to require Rewald to contribute 25 percent of his income toward the cost of paying for a public defender to represent him.

The May 3 hearing was called after the government questioned whether Rewald had actually revealed all his income, or paid the required

amount for his criminal defense.

The hearing proceeded openly for several minutes with Tokairin questioning Rewald about his finances.

When he was finished, Tokairin summoned the lawyers to the bench. He later said it was to ask them if they felt there should be additional questions.

According to the transcript, the first thing Tokairin did out of hearing of the public was to ask Special Assistant U.S. Attorney Theodore Greenberg to enter on the record — being taken by the court reporter — specific objections to the court's rulings so far.

Greenberg said he objected to the court's refusal to order Rewald to reveal the name of his new employer; he had earlier objected to Rewald's refusal to disclose the name.

Rewald had advised the court that he was no longer working for a California movie producer, but had a new job at the same \$1,000 a week pay for an unnamed Hawaii-based company.

Rewald said he got the job only on condition that he keep the employer's name confidential, "so as to not hurt them by association, or damage their present operations or clients."

Tokairin, during the open part of the hearing, suggested to Rewald he take the job, and promised to abide by Rewald's request to not divulge the employer's name.

Greenberg argued that the



Bert S. Tokairin  
Hearing was "administrative"

law entitled the government to know where money for Rewald's bond was coming from.

Since Rewald was under court order not to be involved in fraudulent sales of securities, the government, the lawyer said, should be able to find out if his new employer was involved in such sales.

Finally, Greenberg said, it seemed "the height of absurdity" for Rewald to be dealing with the public in California for his new employer, giving his

name and identifying himself, while the name of his employer was concealed from the federal government's representatives in Hawaii.

Then Greenberg expressed his willingness to keep the name of the employer confidential if it was disclosed to the government.

The prosecutor told the court he had told Rewald's lawyer, Michael Levine, in conversation the day before that "the government will be happy to take that information under seal of the court, as opposed to public disclosure."

He said he was still willing to take the name under those conditions.

Magistrate Tokairin then whispered to the lawyers the reasons he was "denying that motion," saying the court would learn the name in private and wanted to see Rewald gainfully employed so he could contribute to his defense.

When reporters interrupted the whispered bench conference to ask why it should not be heard by the public, Tokairin replied that it was an "administrative" matter.

Greenberg had pointed out earlier that when Magistrate Gedan heard similar issues last Oct. 15, he declared that there would be "public access to everything that happens" regarding Rewald's bond and the appointment of defense attorneys for him at taxpayer's expense.